IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2697 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JIVAN PRAGJI BAROT - Petitioner(s)

Versus

COLLECTOR & 2 - Respondent(s)

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Appearance :
MR BD KARIA for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1, 3,
NOTICE SERVED for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 02/12/2005

ORAL JUDGMENT

Having heard the learned advocate Shri Karia for the petitioner and learned AGP Shri Gori for the respondents, it appears that the issues arising in the present

petition are similar to one decided by this Court by the order dated 30th November 2005 in Special Civil Application No.7070 of 1992 and allied matters. In the said group of petitions, this Court came to the conclusion that though the Collector has the power to require the Municipality to restore the position obtaining prior to passing of the resolution, the same could not have been done without hearing the petitioners who were the affected parties. It was also found that the period of lease for which the property in question was leased out to the petitioners being over, the Collector would have liberty to act in accordance with law in case it is found that the lease period is renewed.

2. In the present petition also, identical factual and legal issues arise. Therefore, following the course adopted in the above mentioned group of matters, the present petition is also disposed of observing that it would be open for the Collector to proceed in accordance with law in case it is found that the Municipality has renewed the lease or in any other manner rented out the premises in favour of the petitioner. Subject to the above observations, the petition is disposed of. Rule is

discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)